Acknowledgment and Notice of Acknowledgment of Acceptance of R.S. 2477 Right-of-Way Grant

Ent 251428 Bk 430 Pt 666
Date: 12-MAY-2008 10:16AM
Fee: None
Filed By: CT
LES BARKER, Recorder
GARFIELD COUNTY CORPORATION
For: GOVERNOR/STATE OF UTAH

THE STATE OF UTAH

TO ALL WHOM THESE PRESENTS SHALL COME, Greeting:

Know ye, This is an Acknowledgment and Notice of Acknowledgment made under Utah Code Sections 72-5-309 through 310 inclusive, that the grant of the United States of America of "the right of way for the construction of highways over public lands, not reserved for public uses" under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its political subdivision Garfield County as it pertains to the highway located in Garfield County known as SMITH CANYON ROAD; County Road Number: 1201; State Geographic Information Database (SGID) Road Identification Number: RD090116. Total road length is 2.18 miles more or less.

The reason for this Acknowledgment and Notice of Acknowledgment includes, but is not limited to, the fact that the road was constructed, mechanically, or by continuous use as a public highway for a period of at least ten years, over public lands not reserved for public uses, prior to the earlier of (a) the October 21, 1976 repeal of R.S. 2477 or (b) the date the servient estate was reserved for public uses.

This Acknowledgment and Notice of Acknowledgment applies only to the segments of the road that traverse land owned by the Bureau of Land Management, United States Department of the Interior, and does not apply to segments of the road that traverse land owned by any other person or entity. The State of Utah and its political subdivisions reserve the right to make further acknowledgments and notices of acknowledgment with regard to road segments that traverse land owned by other entities, including the United States of America, through one or more of its agencies.

A printed copy of a map showing the location of the road in said county is appended hereto as "Attachment 1," a printed copy of representative photos of the road is appended hereto as "Attachment 2," a printed copy of a description of the beginning and ending points of the entire road together with a list of Townships, Ranges and Sections that may be traversed by the road in said county is appended hereto as "Attachment 3," and a printed copy of the Road Centerline Description Cover Page(s) is appended hereto as "Attachment 4." The Appendices listed in "Attachment 4" that contain the actual road centerline descriptions are incorporated herein by reference. Affidavits provided by individuals familiar with the road are appended hereto as "Attachment 5."

A printed copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or obtained at the office of the Utah State Archives.

An electronic copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or downloaded as read-only PDF (Portable Document Format) files via the

FinalNotice

Page 1 of 2 SGID Road Identification Number RD_ID: RD090116

Internet at http://recorded2477roads.utah.gov.

The owner of the servient estate in the land underlying the road-segments subject to this Acknowledgment and Notice is believed to be the United States of America through one or more of its agencies. Any of such agencies or any other person with a servient ownership claim or a competing dominant estate right-of-way ownership claim, may file a petition in the State District Court for Salt Lake County for a decision regarding the correctness of this Acknowledgment. A claimant shall file a petition within sixty (60) days after receipt of this Notice.

In Witness Whereof, I, John Harja, the official designee of the Governor of the State of Utah, in conformity to the laws of the State (Utah Code Sections 72-5-308 through 310 inclusive), have caused this Acknowledgment and Notice of Acknowledgment to be made.

Signed by my hand in Salt Lake City, Utah, the 23 day of April . 200 8.

By the Governor's Designee

CERTIFICATION

State of Utah)	
	:	SS
County of Salt Lake)	

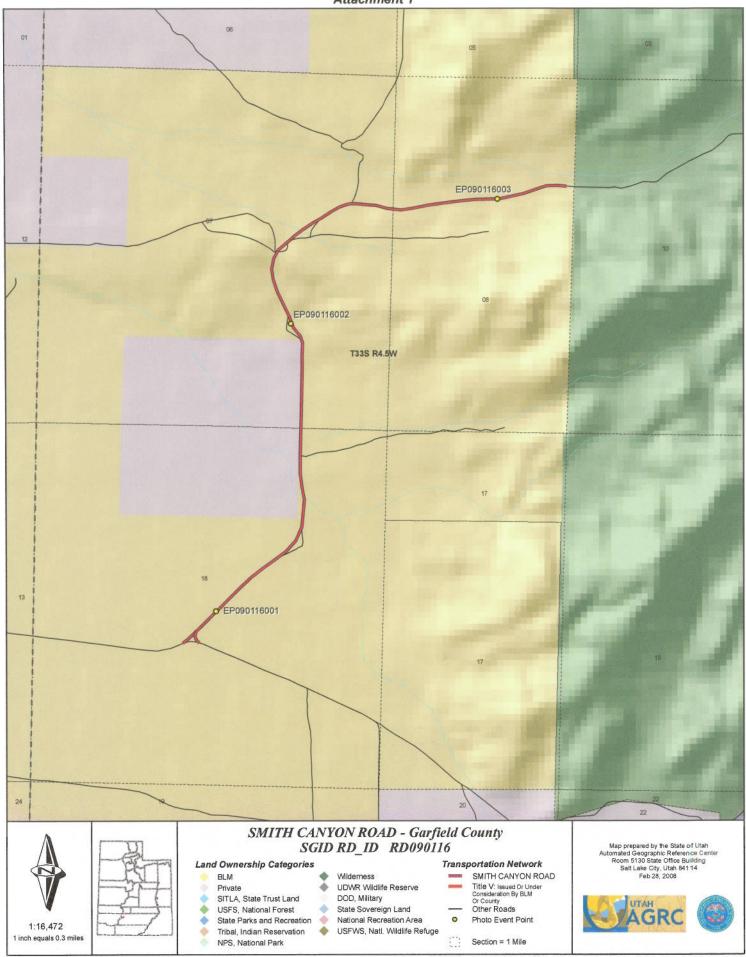
I hereby certify that the signer of the foregoing document, John Harja, is personally known by me, has made a voluntary signature and taken an oath stating that he is the official designee of the Governor of the State of Utah and is authorized to sign this document on the Governor's behalf pursuant to Utah Code Section 72-5-309. He further vouched that, based upon information and belief, the facts alleged therein are true.

> NOTARY PUBLIC PAMELA Z. BLACKHAM 5110 State Office Bldg

Dated this 23 day of april, 2008.

Panela 3. Blackhan

Notary Public



Attachment 2







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SMITH CANYON ROAD - Garfield County SGID RD_ID RD090116

Map prepared by the State of Utah Automated Geographic Reference Center Room 5130 State Office Building Salt Lake City, Utah 84114 February 29, 2008





Attachment 3

Beginning & Ending Points and Township, Range, and Section References For:

Popular Name: SMITH CANYON ROAD

County: Garfield

County Road Number: 1201

State Geographic Information Database (SGID) Road Identification Number: RD090116.

Total Road Length: 2.18 miles more or less.

Beginning at a point on the road centerline located at 37 degrees 56 minutes 25.59 seconds North Latitude and -112 degrees 21 minutes 00.78 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,395,231.3 feet and Y = 10,307,422.1 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 37 degrees 57 minutes 33.59 seconds North Latitude and -112 degrees 19 minutes 50.43 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,400,927.5 feet and Y = 10,314,248.8 feet based on the US Survey Foot conversion.

This road may traverse:

Township 33 South Range 4.5 West, Section(s) 7,8,18, Salt Lake Base & Meridian See Attachment 1 above for a cartographic depiction of the course of this road.

Attachment 4 Road Centerline Description Cover Page(s)

Popular Name: SMITH CANYON ROAD

County: Garfield

County Road Number: 1201

State Geographic Information Database (SGID) Road Identification Number: RD090116.

Total Road Length: 2.18 miles more or less.

Centerline Descriptions Of Road-Segments That Cross Over Federally Owned Land, Derived From Global Positioning System Data And Cross-checked against USGS Digital Orthophoto Quadrangles Compiled By The Utah Automated Geographic Reference Center And Entered Into The State Geographic Information Database (SGID).

Road-Segments Listed by SGID Road Identification	Road-Segment Numbers	Believed Ownership Of Servient Estate	Approximate Segment Length	See Attached Appendix
Number (RD_ID) RD090116	001	BLM	0.05 Miles	A
RD090116	002	BLM	0.04 Miles	В
RD090116	003	BLM	2.09 Miles	C
		Total Road Length	2.18	

^{*} Indicates that a Title V permit will be requested, is in process, or has been issued.

[†] Indicates that road-segments crossing Forest Service land are under consideration by the state and county as of the date of this Acknowledgment and Notice of Acknowledgment.

Attachment 5

AFFIDAVIT OF ROBERT P. VEATER

SMITH CANYON ROAD

COUNTY ROAD NUMBER 1201

GARFIELD COUNTY, UTAH

State of Utah)
	: SS
County of Garfield)

ROBERT P. VEATER, being first duly sworn, deposes and states as follows:

- 1. I am an adult competent to testify about the matters set forth below based upon my personal knowledge. I have lived in Garfield County for 46 years.
- 2. I have traveled and am familiar with a road in Garfield County known as Smith Canyon Road. I am also familiar with the land the road traverses. When I first used and observed the road in 1963, it followed the same route as in 2007 when I last observed it. Attached is a Garfield County map showing Smith Canyon Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map. The County also identifies this road according to the road number listed above.
- 3. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as 1963 and continuing through 1976 to 2007. Throughout this time period I have observed travel on the road by various means, including cars, trucks, maintenance vehicles, jeeps and ATV's. Throughout this time period, the road has been used daily, weather permitting, for more than ten continuous years prior to 1976, and was used daily, weather permitting, in 2007.

- Throughout the time period from 1963 to 2007, I have used the road myself for hunting, trapping, sight seeing, ATV riding and traveling in and through the area.
- 5. Throughout the time period described in the previous paragraph, I observed vehicles using the road at various times for the uses described in the previous paragraph, plus livestock operations, wood gathering, prospecting for minerals, recreation, biking, rock hounding, hiking and government access.
- 6. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.
 - 7. Prior to 1976, I observed the graded surface of the road.

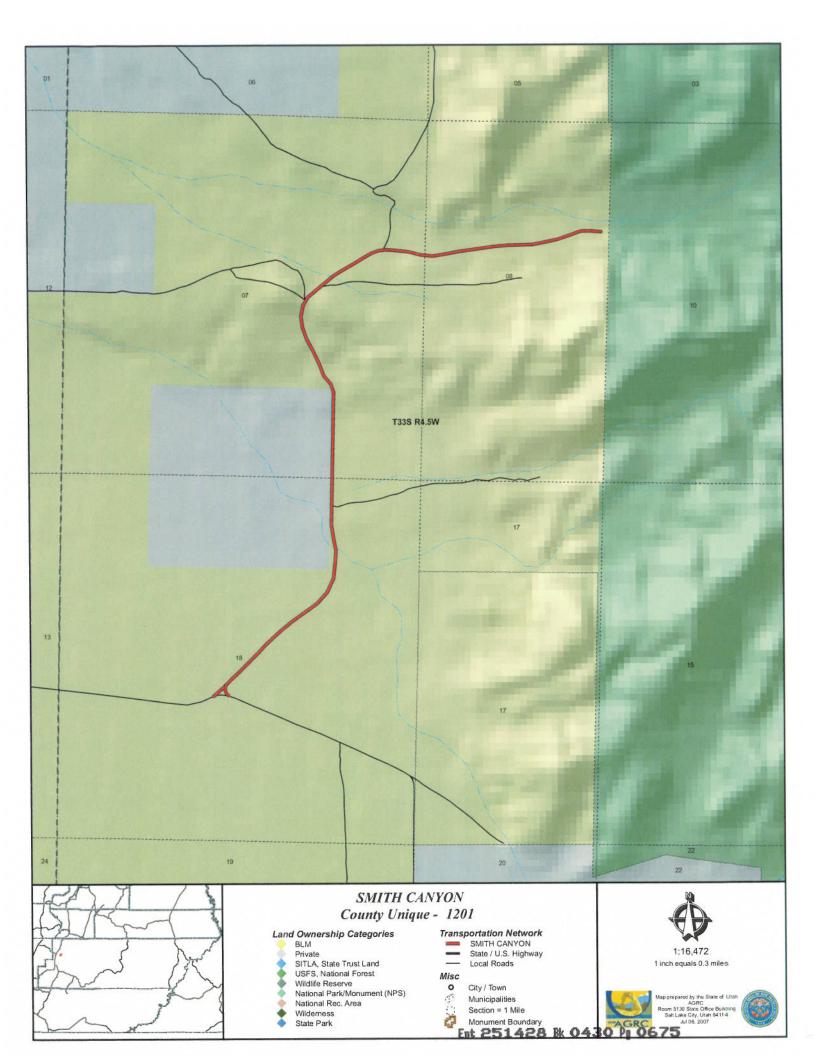
 Dated this __/2_ day of July, 2007.

ROBERT P. VEATER

SUBSCRIBED AND SWORN to before me this _/244_day of July, 2007.

Notary Public
GLORIA SCHRADER
5110 State Office Bldg.
Salt Lake City, UT 84114-2477
My Commission Expires
October 10, 2008
State of Utah

Slova Schrader NOTARY PUBLIC



AFFIDAVIT OF RUSSELL BULKLEY

SMITH CANYON ROAD

GARFIELD COUNTY, UTAH

ROAD NUMBER 1201

State of Utah)	
	:ss.	
County of Garfield)	

RUSSELL BULKLEY, being first duly sworn, deposes and states as follows:

- I am an adult competent to testify about the matters set forth below based upon
 my personal knowledge. I currently reside in Panguitch, Garfield County, Utah. I have lived in
 Garfield County since 1959. In 1971 and 1972 I worked for the Utah Department of
 Transportation on roads and from 1973 to 1975 I worked for the Utah Division of Wildlife
 Resources.
- 2. I have traveled and am familiar with a road in Garfield County known as Smith Canyon Road. I am also familiar with the land the road traverses. When I first used and observed the road in the early 1960s it followed the same route as in 2007 when I last observed it. Attached is a Garfield County map showing Smith Canyon Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map.
 - 3. The County also identifies this road according to the road number listed above.
- 4. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1960s and continuing through 2007. Throughout this time period I observed travel on the road by means of cars, trucks, pickup trucks and ATVs. During this time period, the road was used daily for more than ten continuous years prior to 1976 and was so used in 2007.

- Throughout the time period from the early 1960s to 2007, I used the road myself for hunting, sightseeing and travel in and through the area.
- 6. Throughout the time period described in the previous paragraph, I have observed other vehicles from the general public using the road at various times for the uses described in the previous paragraph plus livestock operations, oil and gas exploration, wood gathering and recreation.
- 7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.
- 8. Prior to 1976, I observed the graded surface of the road and other evidence of maintenance and construction activities such as berms along the side of the road.

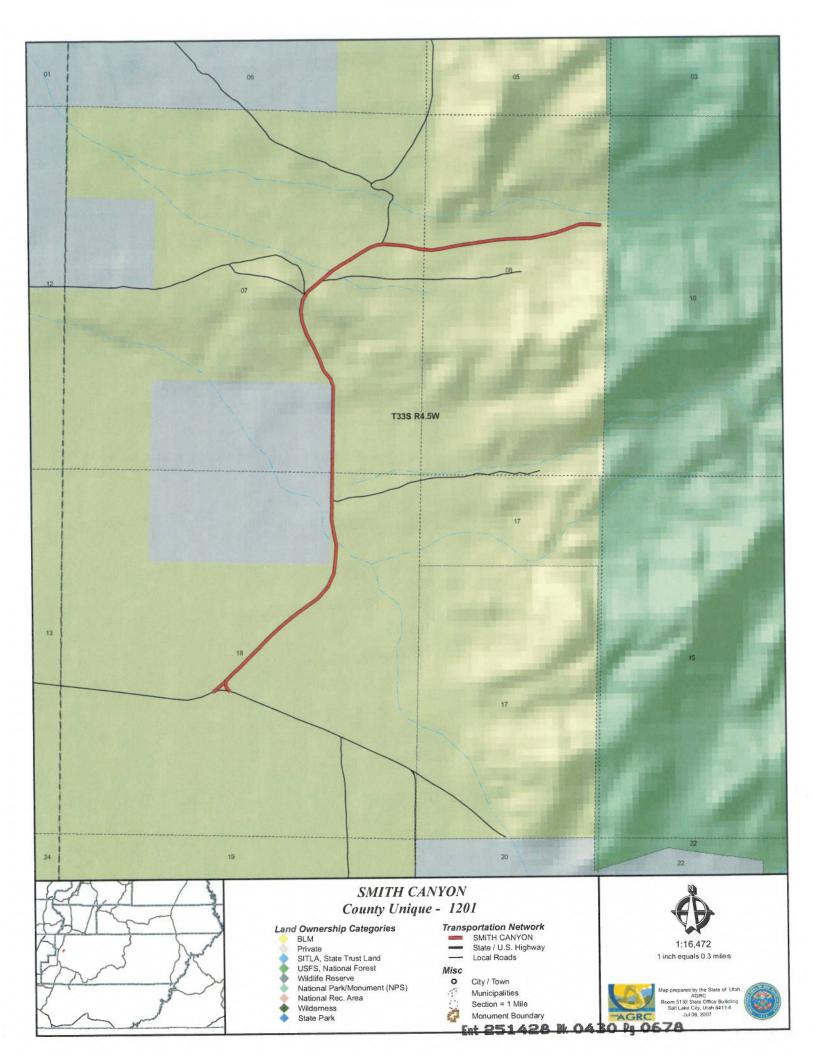
DATED this 12 day of July, 2007.

RUSSELL BULKLEY

SUBSCRIBED AND SWORN to before me this ____day of July, 2007.

Notary Public
GLORIA SCHRADER
5110 State Office Bldg.
Salt Lake City, UT 84114-2477
My Commission Expires
October 10, 2008
State of Utah

NOTARY PUBLIC



Appendix A to Attachment 4

Popular Name: SMITH CANYON ROAD

County: Garfield

County Road Number: 1201

State Geographic Information Database (SGID) Road Identification Number: RD090116.

Road-Segment Number: 001

Road-Segment Length: 0.05 miles more or less.

Believed owner of the land underlying this road-segment is: Bureau of Land Management.

The following description is based upon the geographic coordinate system using the NAD83 Datum. The source is GPS mapping grade data as indicated in the metadata and/or the transportation data model of the State of Utah Geographic Information Database (SGID).

The road-segment itself is the monument that is identified by its physical presence on the land. The location of said physical presence is closely approximated by mapping grade Global Positioning System (GPS) data. Said data are checked against the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS) to verify a reasonable degree of accuracy. In circumstances where accurate satellite signal acquisition is not possible, such as deep, narrow canyons or under a canopy of dense foliage, or where very sharp curves in the road make accuracy questionable, such portions of the road were digitized from the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS).

This road-segment may traverse:

Township 33 South Range 4.5 West, Section(s) 18, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (SMITH CANYON ROAD)-- Segment 001 based on mapping grade Global Positioning System (GPS) data as defined above:

Beginning at a point on the road center line located at 37 degrees 56 minutes 25.59 seconds North Latitude and -112 degrees 21 minutes 00.78 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,395,231.3 feet and Y = 10,307,422.1 feet; thence the following courses along the said road center line:

thence North 51 Degrees 11 Minutes 08 Seconds East 75.9 feet thence North 46 Degrees 45 Minutes 38 Seconds East 115.6 feet

thence North 45 Degrees 54 Minutes 11 Seconds East 87.7 feet more or less to **the ending point at:** 37 degrees 56 minutes 27.47 seconds North Latitude and -112 degrees 20 minutes 58.23 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,395,437.7 feet and Y = 10,307,609.9 feet.

Appendix B to Attachment 4

Popular Name: SMITH CANYON ROAD

County: Garfield

County Road Number: 1201

State Geographic Information Database (SGID) Road Identification Number: RD090116.

Road-Segment Number: 002

Road-Segment Length: 0.04 miles more or less.

Believed owner of the land underlying this road-segment is: Bureau of Land Management.

The following description is based upon the geographic coordinate system using the NAD83 Datum. The source is GPS mapping grade data as indicated in the metadata and/or the transportation data model of the State of Utah Geographic Information Database (SGID).

The road-segment itself is the monument that is identified by its physical presence on the land. The location of said physical presence is closely approximated by mapping grade Global Positioning System (GPS) data. Said data are checked against the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS) to verify a reasonable degree of accuracy. In circumstances where accurate satellite signal acquisition is not possible, such as deep, narrow canyons or under a canopy of dense foliage, or where very sharp curves in the road make accuracy questionable, such portions of the road were digitized from the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS).

This road-segment may traverse:

Township 33 South Range 4.5 West, Section(s) 18, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (SMITH CANYON ROAD)-- Segment 002 based on mapping grade Global Positioning System (GPS) data as defined above:

Beginning at a point on the road center line located at 37 degrees 56 minutes 27.47 seconds North Latitude and -112 degrees 20 minutes 58.23 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,395,437.7 feet and Y = 10,307,609.9 feet; thence the following courses along the said road center line:

thence South 25 Degrees 44 Minutes 38 Seconds West 49.3 feet thence South 02 Degrees 09 Minutes 25 Seconds East 50.9 feet thence South 25 Degrees 36 Minutes 38 Seconds East 59.9 feet

thence South 52 Degrees 07 Minutes 39 Seconds East 43 feet more or less to **the ending point** at: 37 degrees 56 minutes 25.73 seconds North Latitude and -112 degrees 20 minutes 057.7 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,395,478.0 feet and Y = 10,307,434.2 feet.

Appendix C to Attachment 4

Popular Name: SMITH CANYON ROAD

County: Garfield

County Road Number: 1201

State Geographic Information Database (SGID) Road Identification Number: RD090116.

Road-Segment Number: 003

Road-Segment Length: 2.09 miles more or less.

Believed owner of the land underlying this road-segment is: Bureau of Land Management.

The following description is based upon the geographic coordinate system using the NAD83 Datum. The source is GPS mapping grade data as indicated in the metadata and/or the transportation data model of the State of Utah Geographic Information Database (SGID).

The road-segment itself is the monument that is identified by its physical presence on the land. The location of said physical presence is closely approximated by mapping grade Global Positioning System (GPS) data. Said data are checked against the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS) to verify a reasonable degree of accuracy. In circumstances where accurate satellite signal acquisition is not possible, such as deep, narrow canyons or under a canopy of dense foliage, or where very sharp curves in the road make accuracy questionable, such portions of the road were digitized from the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS).

This road-segment may traverse: Township 33 South Range 4.5 West, Section(s) 7,8,18, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (SMITH CANYON ROAD)-- Segment 003 based on mapping grade Global Positioning System (GPS) data as defined above:

Beginning at a point on the road center line located at 37 degrees 56 minutes 27.47 seconds North Latitude and -112 degrees 20 minutes 58.23 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,395,437.7 feet and Y = 10,307,609.9 feet; thence the following courses along the said road center line:

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thence North 45 Degrees 04 Minutes 59 Seconds East thence North 46 Degrees 30 Minutes 56 Seconds East thence North 45 Degrees 00 Minutes 48 Seconds East thence North 44 Degrees 25 Minutes 08 Seconds East thence North 44 Degrees 53 Minutes 27 Seconds East thence North 44 Degrees 58 Minutes 02 Seconds East thence North 47 Degrees 30 Minutes 30 Seconds East thence North 50 Degrees 16 Minutes 40 Seconds East 214.5 feet thence North 54 Degrees 13 Minutes 24 Seconds East 217.2 feet thence North 53 Degrees 56 Minutes 02 Seconds East 219.6 feet thence North 41 Degrees 08 Minutes 25 Seconds East 221.1 feet
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thence North 24 Degrees 04 Minutes 37 Seconds East 216.2 feet
thence North 05 Degrees 31 Minutes 13 Seconds East 219.7 feet
thence North 05 Degrees 12 Minutes 07 Seconds East 187.9 feet
thence North 11 Degrees 43 Minutes 16 Seconds West 180.8 feet
thence North 08 Degrees 38 Minutes 06 Seconds West 204 feet
thence North 00 Degrees 33 Minutes 30 Seconds East 216.6 feet
thence North 01 Degrees 22 Minutes 30 Seconds East 44.6 feet
thence North 01 Degrees 01 Minutes 21 Seconds East 183.5 feet
thence North 00 Degrees 47 Minutes 37 Seconds East 221.5 feet
thence North 01 Degrees 20 Minutes 19 Seconds East 21.1 feet
thence North 01 Degrees 20 Minutes 22 Seconds East 195.5 feet
thence North 00 Degrees 41 Minutes 17 Seconds East 226.1 feet
thence North 00 Degrees 54 Minutes 58 Seconds East 230.1 feet
thence North 00 Degrees 49 Minutes 41 Seconds East 231.4 feet
thence North 00 Degrees 50 Minutes 42 Seconds East 211.7 feet
thence North 01 Degrees 49 Minutes 26 Seconds East 167.5 feet
thence North 18 Degrees 53 Minutes 56 Seconds West 58.2 feet
thence North 18 Degrees 30 Minutes 48 Seconds West 64.6 feet
thence North 40 Degrees 39 Minutes 04 Seconds West 157.1 feet
thence North 19 Degrees 43 Minutes 15 Seconds West 182.7 feet
thence North 25 Degrees 02 Minutes 44 Seconds West 202.3 feet
thence North 26 Degrees 59 Minutes 54 Seconds West 203.8 feet
thence North 19 Degrees 26 Minutes 35 Seconds West 187.2 feet
thence North 07 Degrees 08 Minutes 17 Seconds West 157.3 feet
thence North 10 Degrees 18 Minutes 36 Seconds East 160.3 feet
thence North 29 Degrees 06 Minutes 48 Seconds East 94.2 feet
thence North 29 Degrees 20 Minutes 24 Seconds East 49.1 feet
thence North 48 Degrees 31 Minutes 45 Seconds East 142.1 feet
thence North 49 Degrees 23 Minutes 53 Seconds East 98.9 feet
thence North 49 Degrees 12 Minutes 15 Seconds East 70.8 feet
thence North 51 Degrees 09 Minutes 02 Seconds East 171.2 feet
thence North 56 Degrees 28 Minutes 08 Seconds East 155.7 feet
thence North 60 Degrees 38 Minutes 08 Seconds East 162.2 feet
thence North 56 Degrees 34 Minutes 44 Seconds East 171.2 feet
thence North 59 Degrees 57 Minutes 40 Seconds East 148.9 feet
thence North 70 Degrees 44 Minutes 37 Seconds East 116.2 feet
thence North 81 Degrees 52 Minutes 08 Seconds East 60.3 feet
thence North 83 Degrees 21 Minutes 00 Seconds East 14.9 feet
thence North 89 Degrees 41 Minutes 25 Seconds East 11.5 feet
thence North 87 Degrees 05 Minutes 15 Seconds East 36.1 feet
thence South 84 Degrees 55 Minutes 13 Seconds East 69.9 feet
 thence South 85 Degrees 08 Minutes 46 Seconds East 109.4 feet
 thence South 84 Degrees 20 Minutes 07 Seconds East 141.9 feet
 thence South 76 Degrees 30 Minutes 10 Seconds East 178.8 feet
 thence South 84 Degrees 27 Minutes 48 Seconds East 76.5 feet
 thence South 84 Degrees 27 Minutes 48 Seconds East 116.8 feet
 thence North 81 Degrees 46 Minutes 10 Seconds East 190.5 feet
 thence North 78 Degrees 02 Minutes 42 Seconds East 187 feet
 thence North 81 Degrees 31 Minutes 53 Seconds East 185 feet
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thence North 81 Degrees 58 Minutes 50 Seconds East thence North 82 Degrees 24 Minutes 39 Seconds East thence North 84 Degrees 28 Minutes 37 Seconds East 181.3 feet thence North 88 Degrees 37 Minutes 53 Seconds East 177.6 feet thence North 88 Degrees 07 Minutes 00 Seconds East 179.2 feet thence North 78 Degrees 34 Minutes 38 Seconds East 187.3 feet thence North 77 Degrees 11 Minutes 37 Seconds East 189.6 feet thence North 70 Degrees 40 Minutes 38 Seconds East 185.5 feet thence North 89 Degrees 40 Minutes 50 Seconds East 176.3 feet thence North 89 Degrees 06 Minutes 50 Seconds East 163.1 feet thence North 89 Degrees 41 Minutes 25 Seconds East 111.9 feet thence North 89 Degrees 41 Minutes 25 Seconds East 21 feet
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thence North 89 Degrees 41 Minutes 25 Seconds East 5.3 feet more or less to the ending point at: 37 degrees 57 minutes 33.59 seconds North Latitude and -112 degrees 19 minutes 50.43 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,400,927.5 feet and Y = 10,314,248.8 feet.